IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Brookner, George	
Application No.: 09/683,426	Group Art Unit: 3629
Filed: 12/27/2001	Examiner: Thomas A. Dixon
Title: Postage Stamps Authenticating the Sender of a Mail Piece and Methods for Use Therewith	Confirmation No: 8729
Attorney Docket No.: ASCO.P-070	

REPLY BRIEF FOR APPELLANT

This reply brief is filed in response to the Examiner's Answer and in further support of Applicants' Appeal from the final rejection mailed 7/14/2005.

Responses to Examiner's Grounds of Rejection to the Appealed Claims

Whether the rejection of claim 1 as supposedly anticipated by US Patent No. 5,717,597 ("Kara") is justified.

Claim 1, with portions labeled with letters for convenient reference is:

> A method for use with mail pieces and with a purchaser having an identity, the method comprising the steps of:

> (a) requiring, as a precondition of purchasing at least one postal indicium, receipt of first information indicative of the purchaser's identity,

> (b) deriving by electronic computation second information functionally from said first information;

> (c) printing said second information upon the at least one postal indicium;

(d) receiving an addressed mail piece with the at least one postal indicium into the mail; and

(e) delivering the addressed mail piece.

The Examiner improperly mixes the terms "individual", "user", "customer", and "purchaser".

As previously presented by the Applicant, the term "purchaser" in the present application does NOT mean the same thing as the terms "individual", "user", or "customer" in the Kara reference.

It is clear from the Examiner's Answer, that the Examiner continues to mix the terms to support the rejection.

Correct usage of the terminology is particularly important with respect to part (a) of claim 1 where receipt of first information indicative of a "purchaser's" identity is required as a precondition of purchasing at least one postal indicium.

The "customer" in Kara is a customer that uses a card generating system to generate a greeting card. In the process of generating that card, the customer has the option to select postal indicia to be placed on the envelope for the card. While the indicia may be personalized, nowhere in Kara is there a requirement that prior to purchasing the postage or creating the card, the "customer" must provide information indicative of the "customer's" identity. (See FIG. 9 of Kara) The Examiner has failed to indicate where Kara discloses the requirement of receiving information indicative of a customer's identity prior to that particular person purchasing at least one postal indicium, electronically deriving information from the identity information and printing that particular electronically derived information on the postal indicium.

Nowhere does Kara disclose that the "customer" who generates a greeting card with the card generating system is the same as the "individual" or "user" who purchased, registered, or installed an E-STAMP program.

Nowhere does Kara disclose that the "individual" or "user" who installs the E-STAMP program on a processor-based card generating system is also the "customer" that generates customized mail.

Nowhere in Kara is there a disclosure of an "individual," a "user," a "customer," or a "purchaser" individually purchasing at least one postal indicium after meeting the requirement of providing information indicative of the his/her identity, having information electronically derived from the identity information, and printing the electronic information upon the at least one postal indicium.

The last paragraph of page 7 of Examiner's Answer states:

> Kara discloses that "Before an individual can become an authorized user of an E-STAMP program, he must first acquire a copy of the program, register his program...and execute a license agreement" and further discloses two ways to acquire and register the program, directly from Post N Mail or from a retail outlet... "an individual can buy a postage storage device 18, containing a small quantity of postage, with a small quantity of postage, with a copy of the E-STAMP program. That individual will then install the E-STAMP program on a processor-based system...," see column 5, line 45- column 6 line 50.

With the exception of the phrase "with a small quantity of postage," the undersigned agrees that the above text is disclosed as indicated by Kara. However, nowhere in the text quoted above is there a disclosure of receiving information indicative of a individual's identity prior to that particular person purchasing at least one postal indicium, electronically deriving information from the identity information and printing that particular electronically derived information on the postal indicium. Instead, what is disclosed is an individual acquiring a copy of an E-STAMP program, registering the E-STAMP program and executing a license agreement. As will be discussed below, that act is not the same as an individual purchasing a postal indicium with

electronically derived information indicative of the individual's identity printed on it.

The information gathered during the installation of an E-STAMP program and the execution of a Post N Mail License Agreement is not information that is later printed on postal indicium and is indicative of the identity of a purchaser of the postal indicium.

The following is a brief discussion of the E-STAMP program and the Post N Mail License Agreement as disclosed by Kara. Kara defines FIG. 2 to be an illustration of "one embodiment of the instructions and screen prompts to be followed by the individual during the installation of the E-STAMP program." (see column 5, lines 63-67). Kara defines FIG 3 as "a preferred embodiment of the E-STAMP registration form... and a copy of the Post N Mail License Agreement." (see column 6, lines 51-58). While it appears that the full name and address of the"owner", EIN # or Social Security #, zip code, telephone and fax are "prepared" in FIG 2, nowhere is it disclosed that information is then electronically derived from the "prepared" information and printed on a postal indicium. Instead, it appears in FIG 3, that the prepared information is printed on the E-STAMP Registration form. Printing information, such as the "prepared" information on a registration form is not the same as printing electronically derived information on a postal indicium.

The "prepared" information appears to be information about the "individual" installing the E-STAMP program and competing the registration form. The Post N Mail License Agreement of FIG 3 states:

>   This is an agreement between you (an individual or an entity), the end user, and
>   Post N Mail, Inc.

Thus it appears that the "individual" installing the program and the "end user" who may be a customer who uses a card generating system are two separate and distinct individuals. It also appears that the information on the registration form is information about the "individual" who is filing out the registration form and not about the "end user."

Returning now to the quotation from the last paragraph of page 7 of the Examiner's answer, the undersigned respectfully points out that when taken in context, the portion of Kara which states:

> ... an individual can buy a postage storage device 18, containing a small quantity
> of postage, with a copy of the E-STAMP program. That individual will then
> install the E-STAMP program on a processor-based system...

does not mean that the individual uses the E-STAMP program to buy a postage storage device containing a small amount of postage, but instead means that the individual buys the E-STAMP program "along with" the postage storage device containing a small amount of postage. In addition, it appears that the E-STAMP program itself is not a processor based system, such as a card generating system that also can generate postage. It is a program that works with a processor based system such as a card generating system once it is installed on the system.

In response to the Applicant's Brief, page 8 of the Examiner's Answer states:

> The requirement that an "individual" buy a postal storage device (PSD) and its
> associated program is seen to inherently transform the "individual" into a
> "purchaser" and then at registration, an authorized "user" therefore, "individual" =
> "purchaser" = "user" and further the registration of the program and the PSD is
> necessary BEFORE the user/purchaser can use the postage.

The undesigned agrees that, generally speaking, when an "individual" buys something, the "individual" could be referred to as a "purchaser". However, the undesigned does not agree that the specific term "individual," printed in a published patent, automatically means the same thing as the specific term "purchaser," in an entirely different application. Following the Examiner's logic, an "individual" who bought some tires would some how automatically be the same as the "purchaser" of some apples.

Returning again to Kara, Kara's "individual" specifically purchases a postal storage device, not a postal indicium. Kara's "customer"/"end user" specifically has the option of purchasing/printing postal indicia but is not required to provide, as a precondition of purchasing at least one postal

indicium, information indicative of the "customer/end user's" identity. In the present application, the "purchaser" purchases at least one postal indicium after the "purchaser" meets the requirement of providing first information indicative of the "purchaser's" identity.

In further support of the Examiner's rejection, the second paragraph of page 8 of the Examiner's Answer states:

> Kara moves from the term "user" to the term "customer" between lines 31 and 39 of column 12, during the description of the validation of the (PSA alternatively called a TMU - Touch Memory Utility) the which appears to make the terms equivalent and therefore the "purchaser" = "user" = "customer."

For convenience and for its complete context, Column 12, lines 27-39 of Kara is quoted below:

> Yet before the E-STAMP program can operate with the card generating system, an authorized postal storage device must be coupled to the system and validated by the E-STAMP program. A preferred embodiment uses TMU button 182 coupled to the processor based system through a button holder 172.
>
> Referring next to FIGS. 7A and 7B, the user validation procedure for a postage button coupled to the card generating system begins at Step 700 with the initiation of the user's software program. At Step 701, the software reads the unique serial number of the button and verifies that that serial number falls within a range assigned by the button manufacturer to the Post Office; if it does not, an error occurs and processing halts at Step 702, otherwise processing continues to step 703.

The undersigned has diligently read and re-read this portion of Kara and is unable to find any mention at all of the term "customer" within the extended passage. Nor does the undersigned find any indication of Kara "moving from the term 'user' to the term 'customer'." The undersigned only sees the term "user" associated with the "user's" software program. The undersigned is unable to find anywhere in Kara where the "user" purchases at least one postal indicium after first providing information indicative of the user's identity, then second information being derived electronically from the first information and printed on the postal indicium.

Parts (c) and (d) of Claim 1 are not disclosed by Kara.

In response to the third paragraph of page 8 of the Examiner's Answer which states:

> Kara discloses the an encrypted message may be printed separately from the postal indicium and include any combination of information including the PSD serial number, E-STAMP serial number, PNM registration number, user's identification number (each of which are indicative of the identity of the purchaser, see column 16, lines 41-60.

Applicant respectfully points out that the method described in Claim 1 of the present application includes the step of printing second information (which is derived electronically from first information) **upon** at least one postal indicium, not <u>separately</u> from the postal indicium.

However, even if the encrypted message of Kara were printed on the postage indicium, the information included in the encrypted message as disclosed in Column 16, lines 41-48, is not information indicative of the "purchaser" of the postage indicum's identity. The one exception is perhaps the sender's zip code, which as discussed in Applicant's Appeal Brief is not specific enough to be considered indicative of a person's identity.

The Examiner argues that "the purchaser, user and customer are equivalent terms" to support the rejection with respect to the electronically derived information printed on the postal indicium of Claim 1. For all of the reasons discussed above, those terms are not interchangeable.

The "user's identification number" from Column 16, line 47 of Kara is the identification number defined in Column 6, line 16 of Kara as the identification number of the user or individual who is installing the E-STAMP program. This individual is not the "customer" of the processor based card generating system, thus the identification number of the individual is not indicative of the identity of the customer.

The PNM registration number from Column 16, line 47 of Kara is also not indicative of the identity of the customer of the processor based card generating system. As defined in Column 7,

line 50 of Kara, the PNM registration number is the serial number of the Post N Mail license agreement. Nowhere in Kara is it disclosed that the customer of the processor based card generating system had to provide any information indicative of the customer's identity to Post n Mail, Inc., thus the PNM registration number is not at all associated with the customer and therefore cannot be indicative of the customer's identity.

Applicant respectfully requests that the rejection of Claim 1 be reversed.

Whether the rejection of claims 2-29 as supposedly anticipated by US Patent No. 5,717,597 ("Kara") is justified.

Applicant repeats the arguments above as well as those made in Applicant's Appeal Brief.

In addition, with respect to Claim 1, Claim 10 and Claim 20, the undersigned is unable to find a disclosure anywhere in Kara of deriving electronic information from identification information associated with a Smart Card and printing it on postal indicium.

Applicant respectfully requests reversal of the rejections of Claims 2-29.

Whether the rejection of claim 30 as supposedly anticipated by an English translation of PCT Publication Number WO 9520200 ("Ruat") is justified.

Ruat does not disclose claim 30's limitations of a recipient possessing a list of expected senders and determining whether the sender whose identity is indicated by the second information is on the list of expected senders.

Page 6 of the Examiner's answer states that the limitation is disclosed on page 10 of Ruat, penultimate paragraph. The cited paragraph states:

> In a general manner, the encrypted information appearing on an envelope can contain all or part of the name and/or address of the recipient and all or part of the name and/or address of the sender and/or his customer number.

The key word in this paragraph is "encrypted" which modifies the term "information". As discussed on page 19 of Applicant's Appeal Brief with respect to Claim 42, the recipient in Ruat does not have the ability to read encrypted information. According to the 7th paragraph of page 4 of Ruat, "encrypted information items can only be decrypted by the postal service." If a recipient cannot read the encrypted information, then there is no way that the recipient would be able to confirm the sender's identity and confirm that the sender was on the expected sender list.

Applicant respectfully requests reversal of the rejection of claim 30.

Whether the rejection of claim 31 as supposedly anticipated by an English translation of PCT Publication Number WO 9520200 ("Ruat") is justified.

The arguments for claim 30 are repeated.

In addition, the Examiner's Answer states the following with respect to claim 31.

> Ruat further discloses the step, performed in the event of the sender not being on the list of expected senders, of inspecting the delivered mail piece, see 2nd and 3rd paragraphs of page 10.

The undersigned is puzzled by Examiner's arguments as none of the limitations of claim 31 disclose inspecting a delivered mail piece in the event that the sender is not on the list of expected senders. Claim 31 does disclose checking a cryptographic signature, but not because a sender was not on a list.

For convenience, Claim 31 is printed below.

Claim 31 is:

> The method of claim 30 further characterized in that the information indicative of the identity of the sender that is borne in the postal indicium is cryptographically signed, and further characterized in that the reading step further comprises checking the cryptographic signature.

Applicant respectfully requests reversal of the rejection of claim 31.

Whether the rejection of claim 32 as supposedly anticipated by an English translation of PCT Publication Number WO 9520200 ("Ruat") is justified.

Claim 32 is dependent on claim 30; if claim 30 is allowed, claim 32 should also be allowed. Applicant respectfully requests reversal of the rejection of claim 32.

Whether the rejection of claims 37-40 as supposedly anticipated by US Patent No. 5,717,597 ("Kara") is justified.

The arguments provided in Applicant's Appeal brief as well as those provided above for claim 1 are repeated. Applicant respectfully requests reversal of the rejections for claims 37-40.

Whether the rejection of claims 41-43 as supposedly anticipated by an English translation of PCT Publication Number WO 9520200 ("Ruat") is justified.

The arguments provided in Applicant's Appeal Brief as well as those provided above for Claim 30 are repeated. Applicant respectfully requests reversal of the rejections for claim 41-43

Conclusion

For the reasons mentioned above, the rejections of claims 1-32 and 37-43 should be reversed.

Respectfully submitted,

Date: August 17, 2006

_____/s/_____

Jessica L. Olson